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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,992	06/14/2001	Bill DeSane	684.1002	9837

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EXAMINER

PATEL, JAGDISH

ART UNIT PAPER NUMBER

3624

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/882,992	Applicant(s) DESANE, BILL	
	Examiner JAGDISH PATEL	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005 and 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 7-14 is/are allowed.
- 6) ☒ Claim(s) 1 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 9/16/05 and supplemental amendment filed 10/31/05.

Response to Amendment

2. Claims rejections under 35 U.S.C. §101 have been withdrawn, as “technological art” requirement is no longer applicable.
3. Claims 2 and 7-8 rejections under 35 USC §102(b) have been withdrawn in view of the amendment of claims.
4. Claims 1 and 15-19 have been rejected under 35 USC § 112 (second) and in view of the defects outlined below the claims as best interpreted have been rejected under 35 USC §102(b).

Claim Objections

5. Claims 15-19 are objected to because of the following informalities:

Claims 15-18 should recited in terms of underlying method steps as acts of the method.

For example, purchasing, satisfying and reselling in an analogous manner to claim 1.

Appropriate correction is required.

Claim 19 is written in narrative form. “.said party purchases said property from said debtor.” This should read “..purchasing said property from said debtor by said third party” as a distinct method step.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 1 and 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claim 1 in the present form is indefinite and unclear since certain critical features are absent in the claim. The claim recites that a distressed property (property whose market value falls below the mortgage loan owed on the property) is purchased from a debtor (e.g. a home owner) and the mortgage balance is paid off (“satisfying a mortgage balance remaining on the property”). Additionally, the debtor’s outstanding personal debt (loans other than the mortgage loan balance such as credit card balances) is also paid off (“satisfying personal debt”). In other words, the claim recites, without any constraints that some entity purchases a distressed property (a residential property or a home) from the current property owner (the debtor), pays off the mortgage balance remaining on the property (irrespective of the amount of the mortgage balance), pays off the property owner’s personal debt (irrespective of the amount of the debt) and then resells the property back to the current property owner at an appraised value (irrespective of

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the appraised value). Therefore, recitation of the claim fails to clearly point out the entire method regarded as an invention since, the without specific interrelationship of the transaction or monetary terms and specific constraints applied to the respective process steps involved, the claim as whole is ambiguous and unclear.

Claim 15 is deficient for the same reasons enumerated in claim 1 analysis.

Appropriate corrections are required.

Claims 16-18 are dependent claims of claim 15 and contain same deficiencies.

Claim 19 is rendered indefinite because the limitation “satisfying said debtor’s outstanding personal debt” is not clearly defined in relation to the total cost for purchasing the property from the debtor. The claimed invention recites that the debtor’s personal debt is satisfied (interpreted as paid off) without consideration to the appraised value and the total cost for purchasing the property. Likewise the reselling of the property occur at the present appraised value, (1) regardless of actual step of purchasing the property from the debtor and (2) does not depend upon the step of satisfying the debtor’s personal debt.

Claim Rejections - 35 USC § 102

9. Based upon the foregoing analysis which identifies significant deficiencies, and based upon the broadest reasonable interpretation, 35 USC § 102 rejection of claims 1 and 15-19 as being anticipated by Barchard as stated in the prior office action are maintained.

Allowable Subject Matter

10. Claims 2 and 7-14 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

11/28/05